

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCISCO ALVARADO, *on behalf of himself, FLSA*
Collective Plaintiffs and the Class,

Plaintiffs,

-against-

VILLAS MARKET PLACE INC., d/b/a GARDEN
GOURMET MARKET, and ANDREAS ZOITAS,
Defendants.

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Index No.:

1:19-cv-04036 (VEC)

OFFER OF JUDGMENT

PLEASE TAKE NOTICE that defendants, Villas Market Place, Inc. d/b/a Garden Gourmet Market, and Andreas Zoitas (“Defendants”), hereby offers to allow entry of judgment to be taken against it pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows: a judgment in favor of plaintiff, Francisco Alvarado (“Plaintiff”), and against Defendants in the total amount of Thirty Thousand Dollars Zero Cents (\$30,000.00). This shall be the total amount to be paid by Defendants on account of any liability claimed in this action, including all costs of suit and attorneys’ fees otherwise recoverable in this action by Plaintiff. A condition of acceptance is that all claims against all Defendants be dismissed, with prejudice.

PLEASE TAKE FURTHER NOTICE that if this Offer of Judgment is not accepted, in addition to any right, remedy, or defense which Defendants may have under Rule 68 of the Federal Rules of Civil Procedure, and in the event that a judgment is claimed by Plaintiff, which is less favorable than the offer herein, Defendants will object to any request by Plaintiff for attorneys’ fees, costs, and expenses incurred after the date hereof.

To accept this offer of judgment, Plaintiff must serve written notice of acceptance thereof within fourteen (14) days of the date this offer is made.

PLEASE TAKE FURTHER NOTICE that this offer of judgment is not an admission of liability in any respect by Defendants, or that Plaintiff is otherwise entitled to the amounts included in this Offer of Judgment, but rather is made by Defendants solely for the purpose of compromising a disputed claim under FRCP 68.

Dated: Uniondale, New York
July 24, 2020

Rivkin Radler LLP
Attorneys for Defendants

By: 

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